

MICHAEL P. STUPINSKI
First Selectman

STATE OF CONNECTICUT • COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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PETER J. CHARTER
Deputy First Selectman

LAURIE E. BURSTEIN
ANN L. HARFORD
A. LEO MILLER, JR.
JAMES M. PRICHARD
JOHN W. TURNER

BOARD OF SELECTMEN
Monday, May 18, 2009
Town Hall – Meeting Hall

SELECTMEN PRESENT: Laurie Burstein, Ann Harford, A. Leo Miller, James Prichard, Michael Stupinski and John Turner

SELECTMAN ABSENT: Peter Charter

OTHERS PRESENT: Peter Sanborn, President of Community Opportunities Group, Inc.; Robert Philips, Town Planner [8:30]; Amy Paterson, Project Manager for the Trust of Public Land; Residents: Monique Burns, William Mercer and Rick Neal

PUBLIC HEARING: FY 2009 Small Cities Community Development Block Grant

First Selectman Stupinski opened the public hearing at 7:30 p.m. and read the **attached** legal notice.

Peter Sanborn reviewed the Ellington Housing Rehabilitation Program. Two years ago a joint application was submitted which included the Towns of Somers and Suffield with Ellington as the host town. Last year a joint application was submitted which included the Town of Somers and Ellington as the host town. This year a joint application is being submitted which will again include the above-noted Towns of Somers and Suffield, with Ellington as the host town. The grant is for \$300,000 which is the maximum that may be requested. Currently, there are two active programs from 2007 and 2008. The 2008 grant was awarded late last summer and is underway. More than half of the money for the 2007 grant has been expended and it is anticipated that 100% of the money will be expended by the end of the calendar year.

The 2009 application is due June 29, 2009. The competition for this grant will be intense. Ellington is credited for having a successful track record for these grants. It is expected that 8 to 10 units will be completed with the 2009 grant, if awarded. Largely, the units are single-family homes. Applicants must meet the income requirements to receive housing rehabilitation assistance through this grant.

Ms. Harford asked why Ellington is not applying on its own. Mr. Sanborn stated that it was felt that Ellington's application would be more competitive if it included other towns.

Mr. Sanborn also recommended that the Board of Selectmen approve the revised Program Income Plan which establishes an additional revolving loan account for the Town of Suffield. This will enable the Town to accumulate more program income.

Hearing no further comments, Mr. Stupinski closed this Public Hearing at 7:55 p.m.

BOARD OF SELECTMEN:**I. CALL TO ORDER:**

First Selectman Stupinski called the meeting of the Board of Selectmen (BOS) to order at 7:55 p.m.

II. CITIZENS' FORUM: No one came forward.**III. APPROVAL OF MINUTES:****A. April 27, 2009 Board of Selectmen Meeting:**

MOVED (HARFORD), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO APPROVE THE BOARD OF SELECTMEN MEETING MINUTES OF APRIL 27, 2009.

IV. UNFINISHED BUSINESS:**A. Five-year Road and Bridge Plan:**

The memo (**attached**) from the Director of Public Works was so noted.

B. Payment of Real Estate, Personal Property and Automobile Tax:

The memo (**attached**) from the Tax Collector was so noted.

C. Award Contract – EVFD Aerial Ladder Truck:

Tabled to the June 15, 2009 BOS meeting.

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO ADD TO NEW BUSINESS, ITEM H, *ADDITIONAL APPROPRIATION OF \$5,880 FOR THE ELLINGTON VOLUNTEER AMBULANCE CORPS BUILDING ADDITION.*

V. NEW BUSINESS:**A. Tax Refunds/Abatements:**

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$6,139.12, AS RECOMMENDED BY THE TAX COLLECTOR AND AS SPECIFIED IN THE REFUNDS/ABATEMENT STATEMENT FOR THE MONTH OF MAY 2009. (**Attached**)

B. Annual Review - Parachute Activity at Ellington Airport:

MOVED (TURNER), SECONDED (PRICHARD) TO RECOMMEND TO THE STATE DEPARTMENT OF TRANSPORTATION THAT THE WAIVER TO PERMIT DELAYED PARACHUTE JUMPING AT ELLINGTON AIRPORT BE RENEWED FOR ONE YEAR.

Mr. Miller asked if there were any safety issues. Mr. Turner said that the Connecticut Parachutists, Inc. (CPI) have their own safety program that is independent from the airport. Mr. Stupinski added that CPI manages a safe operation and is very cooperative with the Town.

VOTE ON ABOVE MOTION [regarding parachute activity]:
UNANIMOUSLY PASSED BY THOSE PRESENT AND VOTING.

- C. 2009 Small Cities Grant Program:
 - 1. Approval to Apply:

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO ADOPT THE FOLLOWING RESOLUTION:

WHERE AS, Federal monies are available under the Connecticut Small Cities Community Development Block Grant Program, administered by the State of Connecticut, Department of Economic and Community Development pursuant to Public Law 93 -3 83, as amended; and,

WHERE AS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Economic and Community Development is authorized to disburse such Federal monies to local municipalities; and,

WHERE AS, it is desirable and in the public interest that the Town of Ellington make application to the State in an amount not to exceed \$300,000.00 in order to undertake a Small Cities Community Development Program and to execute an Assistance Agreement therefore, should one be offered.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF ELLINGTON BOARD OF SELECTMEN:

1. That it is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and,
2. That the filing of an application by the Town of Ellington in an amount not to exceed \$300,000.00 is hereby approved, and that the First Selectman is hereby authorized and directed to file such application with the Commissioner of the Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an Agreement is offered, to execute any amendments, rescissions, and revisions thereto, and to act as the authorized representative of the Town of Ellington.
3. That it adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties provided in subsection (a)(1) of Connecticut General Statutes sections 4a-60 and 4a-60a, respectively, as amended by Public Act 07-142, and for which purposes the "contractor" is the Town of Ellington and "contract" is said Assistance Agreement:

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed,

age, marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut. The contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved.

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation.

2. Authorize the First Selectman to Sign Joint Community Agreements:

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, THAT THE FIRST SELECTMAN IS HEREBY AUTHORIZED TO ENTER INTO AND EXECUTE THE JOINT COMMUNITY APPLICATION COOPERATION AGREEMENTS BY AND BETWEEN THE TOWN OF ELLINGTON AND THE TOWN OF SOMERS AND THE TOWN OF ELLINGTON AND THE TOWN OF SUFFIELD AND TO TAKE ALL OTHER ACTIONS NECESSARY REGARDING JOINT PARTICIPATION IN THE ELLINGTON HOUSING REHABILITATION PROGRAM (EHRP), TO BE FUNDED THROUGH A CONNECTICUT SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

3. Approval of Program Income Plan:

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO APPROVE THE PROGRAM INCOME PLAN FOR THE 2009 CONNECTICUT SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AS SUBMITTED AND RECOMMENDED BY PETER SANBORN, PRINCIPAL IN CHARGE OF PROGRAM ADMINISTRATION. **(Attached).**

D. Resident Trooper Contract:

Authorization to Sign:

MOVED (TURNER), SECONDED (HARFORD) TO ADOPT THE FOLLOWING RESOLUTION:

RESOLVED: THAT MICHAEL P. STUPINSKI, THE FIRST SELECTMAN, BE AND HERewith IS AUTHORIZED TO EXECUTE A CONTRACT ON BEHALF OF THE TOWN OF ELLINGTON WITH THE CONNECTICUT DEPARTMENT OF PUBLIC

SAFETY, DIVISION OF STATE POLICE, FOR THE SERVICES OF FIVE (5) RESIDENT STATE TROOPERS FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2011.

Mr. Stupinski stated that he is not planning to sign the contract until he addresses questions he has regarding a letter he received from Colonel Davoren of the State Police. The letter states that the Department of Public Safety will be required to recover fringe benefit costs for resident troopers when working overtime. The current rate is 53.22%. The new requirement takes effect July 1, 2009. Mr. Stupinski said that he met with Lt. Conroy [Troop C] and Sgt. Konieczny [Ellington Resident Trooper Supervisor], who anticipated that this requirement would have a \$25,000 impact on the Town.

Mr. Stupinski said that this new requirement is vehemently opposed by local legislators. It is not referred to in the contract. Mr. Stupinski said that he plans to discuss this with Town Attorney and CCM. The executed contract is due back to the State by June 10th. Some towns are holding off on signing the contract.

Mr. Miller asked what the fringe benefits covered. Mr. Stupinski stated that there was no breakdown and will look into this. Mr. Miller added that he felt the contract was poorly written.

VOTE ON ABOVE MOTION [regarding the Resident Trooper Contract]:
UNANIMOUSLY PASSED BY THOSE PRESENT AND VOTING.

Non-discrimination:

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO ADOPT THE FOLLOWING RESOLUTION:

RESOLVED: THAT THE TOWN OF ELLINGTON HEREBY ADOPTS AS ITS POLICY TO SUPPORT THE NONDISCRIMINATION AGREEMENTS AND WARRANTIES REQUIRED UNDER CONNECTICUT GENERAL STATUTES § 4a-60(a)(1) AND § 4a-60a(a)(1), AS AMENDED IN STATE OF CONNECTICUT PUBLIC ACT 07-245 AND SECTIONS 9(a)(1) AND 10(a)(1) OF PUBLIC ACT 07-142.

E. EVFD Request to Use Brookside Park -- Firemen's Carnival:

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO GRANT PERMISSION TO THE ELLINGTON VOLUNTEER FIRE DEPARTMENT TO USE BROOKSIDE PARK FROM AUGUST 30, 2009 THROUGH SEPTEMBER 14, 2009 FOR THE ANNUAL FIREMEN'S CARNIVAL AND TO ERECT SIGNS PROMOTING THE ANNUAL FIREMEN'S CARNIVAL ON THE BROOKSIDE PARK GROUNDS AND ON THE PROPERTY IN FRONT OF THE PUBLIC WORKS COMPLEX ADJACENT TO THE FIREHOUSE.

FURTHER, TO AUTHORIZE THE FIRST SELECTMAN TO SEND A LETTER TO THE STATE REQUESTING PERMIT FOR THE USE OF ROUTE 140 BETWEEN JOBS HILL AND MUDDY BROOK ROAD; AND ALSO THAT THE FIRST SELECTMAN NOTIFY THE POLICE DEPARTMENT TO PROVIDE CONSTABLES AT BOTH INTERSECTIONS TO REROUTE TRAFFIC.

F. Donation of Property – 5.4 Acres – Crystal Lake Area:

MOVED (TURNER), SECONDED (MILLER) THAT THE ACCEPTANCE OF DONATION OF 5.4 ACRES OF LAND, LOCATED ON THE NORTH SIDE OF SANDY BEACH ROAD (ASSESSOR PARCEL NUMBER 129-85), FROM HARRY JAMES, ON BEHALF OF CRYSTAL RIDGE ASSOCIATES, BE REFERRED TO THE PLANNING AND ZONING COMMISSION IN ACCORDANCE WITH CONNECTICUT GENERAL STATUTES SECTION 8-24.

Mr. Miller questioned if there would be any liability issues if this land is accepted regarding people who have boat docks.

Mr. Stupinski said that he did not foresee any concerns regarding this proposal. Attorney Ryan stated in his letter that there are some residents who use portions of this property for access to the lake/boat dockage, but did not see any reason why this should deter the town from accepting the donation. The Town Attorney felt that it would be in the best interest of the Town to control this stretch of land and any other resident issues can be addressed. Town Engineer also supports the Town accepting this land as at some future time the Town may wish to install some form of storm water quality control. Mr. Stupinski added that this agenda item will be coming back to the BOS after a response from Planning and Zoning is received.

Mr. Miller noted that the Certificate of Title document provided indicates that the owner of the property is Crystal Ridge 'Associates'. The Assessor stated in her memo that the record owner is Crystal Ridge 'Estates'. Clarification of the name is needed. Mr. Stupinski said that he would look into this.

VOTE ON ABOVE MOTION [regarding donation of property]:
UNANIMOUSLY PASSED BY THOSE PRESENT AND VOTING.

G. Permanent Building Committee – Removal of Member:

MOVED (TURNER), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO REMOVE DANIEL TUTKO AS A MEMBER OF THE PERMANENT BUILDING COMMITTEE FOR NON-COMPLIANCE OF THE TOWN'S ATTENDANCE POLICY OF APPOINTED BOARD MEMBERS.

H. Additional Appropriation of \$5,880 for the EVAC Building Addition:

The additional appropriation is for sidewalks. The Fire Marshal advised that there has to be sidewalks by each fire exit. This was not appropriated in the original bid price.

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO APPROVE AN ADDITIONAL APPROPRIATION OF \$5,880 FOR THE ELLINGTON VOLUNTEER AMBULANCE CORPS BUILDING EXPANSION (EVAC) PROJECT, TO BE FUNDED THROUGH THE EVAC CHARGING FUND ACCOUNT. THE \$5,880 WILL BE IN ADDITION TO THE \$350,000 APPROPRIATION THAT WAS APPROVED FOR THIS PROJECT BY TOWN MEETING HELD ON MAY 15, 2008.

FURTHER, TO AUTHORIZE THE FIRST SELECTMAN TO WARN A SPECIAL TOWN MEETING ON JUNE 15, 2009 AT 7:15 P.M. AT THE ELLINGTON TOWN HALL TO

CONSIDER THE \$5,880 ADDITIONAL APPROPRIATION, PENDING BOARD OF FINANCE APPROVAL.

VI. ADMINISTRATIVE REPORTS: So noted, except as follows:

Ms. Harford commented on the Tax Collector's Report. She was very impressed, considering the economic times, that the collection rate is at 98.26%.

VII. SELECTMEN COMMITTEE REPORTS:

A. Personnel Committee:

1. Resignations:

MOVED (MILLER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO ACCEPT, WITH REGRET, THE RESIGNATION OF HASSAN SALLEY FROM THE HUMAN SERVICES COMMISSION.

2. Appointments:

MOVED (TURNER), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO REAPPOINT DANIEL PARISI TO THE WATER POLLUTION CONTROL AUTHORITY FOR A FOUR-YEAR TERM TO APRIL 30, 2013.

Mr. Prichard stated that the Personnel Committee (PC) met and reviewed the applications for the Ad Hoc Milfoil Committee [a five-member committee] and will be recommending four individuals for appointment. The PC was undecided regarding the fifth recommendation. The PC was short one member at the meeting so the fifth appointment for recommendation to the BOS will be considered the at the June 15th meeting of the PC.

MOVED (MILLER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO APPOINT DAVID ARZT, WILLIAM MERSON, MONIQUE BURNS AND JEAN BURNS TO THE AD HOC CRYSTAL LAKE MILFOIL COMMITTEE FOR A ONE-YEAR TERM TO MAY 31, 2010.

C. Other: None.

VIII. SELECTMEN LIAISON REPORTS:

Ms. Burstein attended an EVAC meeting at which the EVAC charging account was discussed.

Mr. Turner stated that an Emergency Services Committee meeting will be held at the end of the month. The third phase of the emergency services contracts will be discussed. One element of the contracts is the EVAC charging fund. The contracts are very close to being complete.

IX. FIRST SELECTMAN'S REPORT:

Mr. Stupinski stated that CRRA is proposing a uniform contract with four towns. The contract includes a pilot amount for all towns that participate. There are a number of questions that need to be answered. He has met with CRRA and the Town Attorney to

resolve any issues. It is expected that the contract will be ready to present to the BOS at the June 15th meeting.

Mr. Stupinski stated, as noted in the recent press release, that the State Department of Transportation announced that the Windermere Bridge is expected to be closed to traffic for four months for reconstruction. Town Engineer and Public Works Director have spoken to the State regarding the length of time. The State advised that it may take less than four months but cannot guarantee a shorter period of time. Mr. Turner commented that four months is a long disruption for emergency services adding that the last time the bridge was closed, it created traffic issues at the Five Corners Intersection.

X. CORRESPONDENCE: None.

XI. EXECUTIVE SESSION: For the purpose of discussing land acquisition.

MOVED (TURNER), SECONDED (BURSTEIN) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LAND ACQUISITION AT 9:00 P.M.

In addition to the BOS, Mr. Philips and Ms. Paterson were also present for Executive Session.

MOVED (TURNER), SECONDED (HARFORD) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO COME OUT OF EXECUTIVE SESSION AT 9:40 P.M.

XII. ADJOURNMENT:

MOVED (HARFORD), SECONDED (MILLER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT AND VOTING, TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 9:41 P.M.

Submitted by Carol York Approved by Michael P. Stupinski
Carol York Michael P. Stupinski

**TOWN OF ELLINGTON
NOTICE OF PUBLIC HEARING**

The Town of Ellington will hold a public hearing on Monday, May 18, 2009, at 7:30 p.m. The purpose of the hearing is to discuss a proposed \$300,000 Federal FY 2009 Small Cities CDBG grant application to the Connecticut Department of Economic and Community Development, to report on the progress of current and recent Small Cities CDBG grants, to discuss the proposed plan for expending Program Income and to discuss Ellington's community development and housing needs. Under the proposed FY09 grant, the following activity is currently being considered: funding to continue the town's regional housing rehabilitation program. The regional program will include the towns of Somers and Suffield under a multi-jurisdictional grant, with Ellington as the lead community. The grant application may include this activity, as well as additional ones.

The hearing will be held in the Selectmen's Meeting Room (2nd Floor) of Town Hall. Any person or organization so wishing will be afforded an opportunity to be heard. Suggestions for other potential activities for the grant application may be made at the hearing, or before the hearing by contacting the Town's Community Development Office in Town Hall. The Town encourages a broad spectrum of participation by residents and other interested parties in order to better understand and serve the needs of the community.

The Town of Ellington is an EEO/AA Employer. It also promotes fair housing and makes all programs available to lower income persons regardless of race, color, sex, age, national origin, religion, disability/handicap, marital status or sexual preference.

The public hearing location is accessible to persons with physical disabilities. If you require a translator, or accommodations for a hearing impairment or other accommodation, contact Ellington's ADA Coordinator, First Selectman Michael P. Stupinski, Telephone 860-870-3100, or the Small Cities Program Office no later than May 11, 2009, telephone: 860-870-3132. Persons seeking additional information about this grant may also contact the Small Cities Program Office.

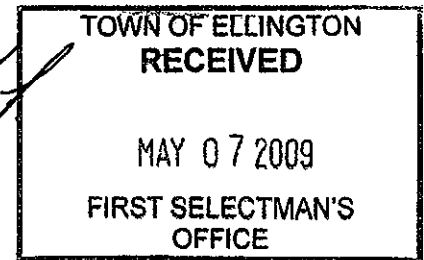
Michael P. Stupinski
First Selectman

IV-A

INTEROFFICE MEMORANDUM

TO: Michael P. Stupinski, First Selectman
FROM: George A. Fetko, Public Works Director
SUBJECT: Five Year Road and Bridge Repair Plan
DATE: May 7, 2009

Handwritten signature/initials



In response to the Board of Selectmen's concerns, I have reviewed the roads in question, Standish Rd (2010-2011) and Tripp Rd (2013-2014). I agree with Pete Michaud's reasoning in both cases.

Standish Road is a candidate for total reconstruction due to the uneven settling of utility cuts and the poor condition of the asphalt surface. Tripp Road will be in need of an overlay. This consists of shimming the road with asphalt to reestablish the crown and level out the rutting. Then the complete road will be overlaid with asphalt. This is a collector road and should be kept in a rating of good to excellent.

Unfortunately, due to budget constraints, some of the streets in the 5-year program may have to be pushed off at least one year. I will revisit the complete Capital Improvement Plan and adjust the scheduling for next year's budget. If you or members of the Board of Selectmen require additional information, please contact me.

ljs

cc: N. DiCorleto

IV-B

TOWN OF ELLINGTON
RECEIVED

APR 30 2009

FIRST SELECTMAN'S
OFFICE

MEMO

To: Michael P. Stupinski, First Selectman

From: Ann Marie Conti, CCMC, Tax Collector *AMC*

Subject: Action of Board of Selectman— Motor Vehicle Tax Paid in One
Installment

Date: April 29, 2009

Pursuant to the provisions of Section 12-144a of the Connecticut General Statutes, the legislative body of the municipality shall determine whether such tax shall be due and payable in a single installment. I have attached copies of the statutes for your reference.

In 2006 my request that motor vehicle tax be paid in one installment was based on several reasons. The majority of municipalities in Connecticut have one installment for motor vehicle tax. It helps the Towns get their money up front as well as additional interest on their investment. Taxpayers do not normally have a second installment anyway and people tend to forget and lose the second payment coupon and are surprised to receive a delinquent notice in February. There are supplemental bills which go out in January and this tax adds to the confusion. Also if there are delinquencies known in August we have a longer period of time to go after collections of taxes. One installment for motor vehicle tax does not create a hardship, less than 1% of our motor vehicles are in excess of \$600.00. There is a misunderstanding as to how the tax is split into two (2) installments if it is in excess of \$600.00. It is not a combined total of all your property/motor vehicles but based on the individual property/motor vehicle.

We need to be consistent in our tax collection procedures. People need to be disciplined to budget for their motor vehicle tax due and payable in July.

Cc: Nicholas DiCorleto

Sec. 12-144. Payment of taxes of not more than one hundred dollars. Any property tax due in any municipality of this state in an amount not in excess of one hundred dollars shall be due and payable in a single payment when so determined by the appropriating body of such municipality.

(1949 Rev., S. 1826; 1959, P.A. 157, S. 1; P.A. 81-9, S. 1, 2.)

History: 1959 act raised amount to be paid in single payment from \$20 to \$50; P.A. 81-9 provided that tax of \$100 or less be paid in single payment when approved by the municipality, where single payment previously required for tax of \$50 or less, effective March 31, 1981, and applicable in any municipality to assessment year commencing October 1, 1980, and each assessment year thereafter.

Sec. 12-144a. Payment of tax on motor vehicles. Irrespective of the provisions of sections 12-142 and 12-144, the appropriating body of each municipality, upon approving any budget calling for the laying of a tax on property, shall determine whether such tax as it applies to motor vehicles shall be due and payable in a single installment.

(February, 1965, P.A. 43, S. 1; P.A. 76-338, S. 3, 8; P.A. 77-343, S. 2, 5; P.A. 79-595, S. 2, 3.)

History: P.A. 76-338 required tax on motor vehicles to be paid in single installment whereas previously decision was to be made by municipality's appropriating body; P.A. 77-343 returned decision re installments to appropriating body except that tax levied on motor vehicles in accordance with Sec. 12-71b to be due in single installment, effective June 6, 1977, and applicable to any motor vehicle on assessment list of any town as of October 1, 1976, and any motor vehicle registered or in use in this state thereafter; P.A. 79-595 deleted proviso re taxes in accordance with Sec. 12-71b, effective January 1, 1980, and applicable to assessment year commencing October 1, 1980, and each assessment year thereafter and to any tax due under Sec. 12-71b on January 1, 1980.

Exhibit 4.2

TOWN OF ELLINGTON

Program Income Plan

A Plan Governing Reuse of Program Income from CDBG-Assisted Activities

The purpose of this plan is to establish policies and procedures for the utilization, expenditure and administration of program income received as a result of activities funded from Connecticut Small Cities CDBG Program grants.

Need for Plan Governing Reuse of Program Income. This Plan is intended to satisfy the requirements specified in Federal statute and regulation at Section 104 (j) of the Housing and Community Development Act ("the Act"), as amended in 1992 and 24 CFR 570.489 (e) (3). These statutory and regulatory sections permit a unit of local government (the Town of Ellington) to retain program income for CDBG-eligible community development activities. Under federal guidelines adopted by the State of Connecticut's CDBG program, local governments are permitted to retain program income so long as the local government has received advance approval from the state of a local plan that will govern the expenditure of the program income. This plan has been developed to meet that requirement.

Program Income Defined. Program Income is defined in federal regulation at 24 CFR 570.489 (e) which specify that program income is the gross income received by the jurisdiction that has been directly generated from the use of CDBG funds. (For those program income-generating activities that are only partially funded with CDBG funds, such income is prorated to reflect the actual percentage of CDBG participation). Examples of program income include: payments of principal and interest on housing rehabilitation or business loans made using CDBG funds; interest earned on program income pending its disposition, and interest earned on funds that have been placed in a revolving loan account; net proceeds from the disposition by sale or long-term lease of real property purchased or improved with CDBG funds; income (net of costs that are incidental to the generation of the income) from the use or rental of real property that has been acquired, constructed or improved with CDBG funds and that is owned (in whole or in part) by the participating jurisdiction or subrecipient.

If the total amount of income (from all sources) generated from the use of CDBG funds (and retained by the Town) during a single program year (July 1 through June 30) is less than \$25,000, then these funds shall not be deemed to be program income and shall not be subject to these policies and procedures, as they will be classified as miscellaneous revenue or miscellaneous income. However, Quarterly Reports will be submitted regardless of whether the \$25,000 threshold is reached or not. Costs incurred that are incidental to the generation of Program Income may be deducted from the gross program revenue to determine the net Program Income amount.

For Ellington, Program Income will be derived principally from repayment (recapture) of

Town of Ellington Multi-Jurisdictional
FY 2009 Small Cities Grant Application

Deferred Payments Loans (DPLs) that provided financial assistance to participants in the Ellington Regional Housing Rehabilitation Program (ERHRP). Normally, this income is received at the time real property is sold. Because the assistance is in the form of a DPL, the timing and amount of program income (or miscellaneous revenue) is sporadic and unpredictable.

Reuse of Program Income. Program income will be: a) disbursed for an activity funded under an existing open grant prior to drawing down additional Federal funds (i.e. disbursed to an amount that is \$50,000 or less), or b) distributed according to this Plan. The Town's program income will be used to fund *eligible CDBG activities* that meet a *national objective* as per Section 105(a), 24 CFR 570.482 and 24 CFR 570.483.

The Town reserves the option of utilizing program income to fund/augment a CDBG-funded activity (that is different from the activity that generated the PI) included in a grant agreement or to fund or augment a CDBG-eligible activity exclusively with PI or in combination with PI and non-CDBG funds. The Town will follow DECD's required citizen participation process, provide for public disclosure (public notice), obtain a governing body resolution, and obtain approval from the DECD.

Distribution for Reuse of Program Income. The Town's Program Income that has not been committed to an existing open grant will be distributed, as follows:

- 1) Undesignated Program Income Fund
- 2) Ellington Regional Housing Rehabilitation Program – Ellington Priority Status Revolving Loan Account
- 3) Ellington Regional Housing Rehabilitation Program – Somers Priority Status Revolving Loan Account
- 4) Ellington Regional Housing Rehabilitation Program – Suffield Priority Status Revolving Loan Account
- 5) Ellington Regional Housing Rehabilitation Program – Ellington Revolving Loan Account.

Undesignated Program Income Fund Given the Town's experience historically in undertaking an array of CDBG-eligible activities, the Town seeks to maintain an undesignated allocation of Program Income of up to \$50,000. This will provide the Town with flexibility and enable it to respond to needs and opportunities as they arise. This fund may be used for supplemental funding for activities for open or future grants, for "stand-alone" activities that meet CDBG statutory and regulatory requirements or to replenish one of the Revolving Loan Accounts.

Housing Rehabilitation Revolving Loan Accounts As indicated above, the Town intends to establish three RLAs relating to its housing rehabilitation program activities. The three **ERHRP Priority Status RLAs** (one for each town) will be designated to assist eligible applicants who qualify for priority status as per the Ellington Regional Housing Rehabilitation Program's Guidelines. This status allows applicants to be given priority standing (application processed out of order from the waiting list) where an emergency or urgent condition exists that could affect the health or safety of the occupants or poses an immediate threat to the structure. Examples of these conditions include a failed septic

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system, a child with lead poisoning or a non-functioning heating system during the winter. The three (non-priority status) **SHRP Revolving Loan Accounts** (one for each town) will provide funding assistance for waiting list or future applicants who qualify for assistance, but do not have a priority status condition present.

The RLAs will be principally used for the purpose of making loans to rehabilitate residential units occupied by households that have an annual income which is 80 percent or less of the area's median income. At least 51 percent of the funds expended from the RLAs will be used on revolving loan activities. All policies and requirements for participation contained in the ERHRP Guidelines in effect at the time of assistance will apply to the RLAs.

In combination, no more than 49 percent of the RLA funds actually expended shall be expended for housing rehabilitation grants and Program/Administrative Costs. Under the ERHRP Guidelines, grants are provided solely to conduct lead paint hazard reduction work. No more than up to 16 percent of the total PI expended during a PY may be used for CDBG general administration (GA) expenses. Total administration and program soft costs (Housing Rehabilitation activities) will not exceed 25 percent.

If the activities funded under the RLA are for the same activities as those funded under an open State CDBG grant agreement, then the funds available in each RLA shall be substantially expended (to at least \$50,000 for each RLA) prior to drawing down funds from the State CDBG program.

Allocation of Program Income Funds. As Program Income funds become available they will be allocated as follows: Undesignated fund (\$50,000 maximum), ERHRP Priority Status RLAs (50% of undesignated PI balance distributed equally between the 3 RLAs), ERHRP RLA (50% of undesignated PI balance distributed equally between the 3 RLAs). As described above, funds in the undesignated fund may be transferred to any of the RLAs should additional PI not be received and the RLA fund levels decrease.

As the Town receives additional Program Income, it will allocate these funds on a rotating basis so that the balances build approximately equally according to the allocation plan above.

Maximum Funds in Revolving Loan Accounts. Program Income received by the RLAs during the program year (July 1 through June 30) shall be substantially expended by the end of the program year (June 30). At any given time, the funding balance for either of the RLAs should not exceed \$50,000.

General Administration (GA) Cost Limitation. Up to 16 percent of the total PI expended during a PY may be used for CDBG general administration (GA) expenses. Total administration and program soft costs for Housing Rehabilitation activities will not exceed 25 percent. Total administration and program soft costs for all other activities except for housing rehabilitation will not exceed 21 percent.

Planning Activities. The Town reserves the option of utilizing program income, within the 16 percent general administration annual cap, to fund planning for CDBG-eligible activities. Such

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planning activities may include but are not limited to: environmental reviews or other studies necessary for CDBG-eligible projects or programs; or application preparation for CDBG or other grants/loans to supplement funding for CDBG-eligible activities. The costs of such planning activities may also be charged to one of the Revolving Loan Accounts if the planning is for the same activity as the RLA.

Reporting and Federal Overlay Compliance. The Town will comply with all State CDBG reporting requirements, including submittal of a Quarterly GPR on all Program Income. The Town shall ensure that the use of program income under this Plan complies with all CDBG program requirements, including citizen participation, environmental review, equal opportunity, Section 3 employment, lead-based paint, labor standards, procurement and property management, and maintenance of adequate accounting and recordkeeping systems. To ensure ongoing compliance with CDBG requirements, the Town will utilize the latest available State CDBG Program Grant Management Manual for guidance on compliance procedures and policies. The Town shall obtain the Department's written approval before proceeding with any PI-funded activity.

Revising this plan. The Town has the authority to revise or amend this Plan with proper notice, approval by the Board of Selectmen and approval by the Connecticut Department of Economic and Community Development (DECD).

This Program Income Plan was approved by the Board of Selectmen on May 18, 2009, and complies with the citizen participation process specified in Federal Regulations at 24 CFR 570.486, Local Government Requirements.

May 2009